

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
DELTA DIVISION

CARLOS VELEZ-CONTY

PLAINTIFF

vs.

No. 2:04CV74-D-A

WEYERHAEUSER COMPANY

DEFENDANT

ORDER GRANTING IN PART AND DENYING IN PART
MOTION FOR SUMMARY JUDGMENT

Presently before the court is the Defendant's motion for summary judgment. Upon due consideration, the court finds that the motion should be granted in part and denied in part.

The Plaintiff in this employment action has asserted claims in connection with his termination from employment as a Production Manager with the Defendant. The Defendant has filed a motion seeking an entry of summary judgment as to the Plaintiff's claims.

In his response to the Defendant's motion, the Plaintiff does not oppose the Defendant's motion as to his claims for Title VII race/national origin discrimination. As such, the court finds that no genuine issue of material fact exists as to those claims and the Defendant is entitled to judgment as a matter of law.

As for the Plaintiff's remaining claims, the court finds that the Defendant's motion for summary judgment should be denied. The Defendant has failed to show that it is entitled to judgment as a matter of law. In any event, the court has the discretion, which it exercises here, to allow these claims to proceed to trial. See Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 255, 106 S. Ct. 2505, 2513, 91 L. Ed. 2d 202 (1986) ("Neither do we suggest ... that the trial court may not deny summary judgment in a case where there is reason to believe that the better course would be to proceed to a full trial.").

THEREFORE, it is hereby ORDERED that the Defendant's motion for summary judgment (docket entry 30) is GRANTED IN PART and DENIED IN PART. The motion is GRANTED as to the Plaintiff's claims alleging Title VII race and/or national origin discrimination, and those claims are DISMISSED WITH PREJUDICE. The motion is DENIED in all other respects.

SO ORDERED, this the 30th day of June 2005.

/s/ Glen H. Davidson
Chief Judge